

**REGENTS BOARD[681]**

**Notice of Intended Action**

**Proposing rule making related to purchasing, policies, practice, and procedures and providing an opportunity for public comment**

The Board of Regents hereby proposes to rescind Chapter 8, “Purchasing,” and to amend Chapter 9, “Policies, Practices and Procedures,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 262.9.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 23A and section 262.9(18).

*Purpose and Summary*

Item 1 proposes to rescind Chapter 8. The proposed amendments to Chapter 9 implement 2020 Iowa Acts, Senate File 2284, section 5, by removing the reference to “on campus”; amend competition policy with private enterprise to be consistent with current law; rescind the telecommunication policies and procedures not required by the Iowa Code; remove outdated language; and add the procurement policy transferred from Chapter 8.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 681—19.18(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 6, 2021. Comments should be directed to:

Aimee Claeys  
Board of Regents  
11260 Aurora Avenue  
Urbandale, Iowa 50322  
Phone: 515.281.6456  
Email: [aimee.claeys@iowaregents.edu](mailto:aimee.claeys@iowaregents.edu)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind and reserve **681—Chapter 8**.

ITEM 2. Amend subrule 9.4(5) as follows:

**9.4(5) Exceptions provided by statute.** This prohibition does not apply to the on-campus activities of an institution under the control of the state board of regents as provided in Iowa Code section 23A.2(10) “k”(1) to (10) or any other applicable provision of Iowa law.

ITEM 3. Amend paragraph **9.4(6)“i”** as follows:

*i.* Sales of books, records, tapes, software, educational equipment and supplies ~~offered primarily to students, faculty, and staff of the institution; sales of, and~~ personal computers and associated hardware ~~pursuant to institutional policy and limited to students, faculty, and staff.~~

ITEM 4. Adopt the following new paragraph **9.4(6)“j”**:

*j.* Goods and services provided to other state board of regents institutions; affiliates of state board of regents institutions; federal, state, and local government entities; nonprofit organizations; entities established pursuant to Iowa Code chapter 28E; and student organizations.

ITEM 5. Rescind and reserve rule **681—9.5(262)**.

ITEM 6. Rescind and reserve rule **681—9.6(262)**.

ITEM 7. Rescind and reserve rule **681—9.7(262)**.

ITEM 8. Adopt the following new rule 681—9.8(262):

**681—9.8(262) Procurement policy.** The best interests of the state of Iowa and of the regent institutions are served through implementation of a full and free competitive purchasing system fostered by the use of open specifications, competitive bids or quotations, and awards to the lowest responsible bidder or to the bidder that submits the bid or quotation that provides the best overall value. The name of the successful bidder and all other bidders and the amounts bid shall be supplied to any person upon oral or written request following the execution of the prime contract(s) or agreement(s) related to the procurement.